

Remarks

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 7, 9-18, 28-33, 38-44 and 46-72 are pending in the application.

An editorial revision has been made in claim 7 for conformance with claim 28. Claim 28 has been amended to include a Markush group of the dimensions from claims 34-37, which were indicated to be allowable. The individual dimensions are set forth in claims 46-49. Independent claim 50 includes the features from claim 40, which was indicated to be allowable, claim 39 from which it depends, and claim 28 from which claim 39 depends. Dependent claims 51-72 track dependent claims 29-38, 41-44, 7, 9-14 and 18, respectively.

Claims 7, 9-18 and 28-45 have been rejected for obviousness double patenting over US 6,001,307. A revised Terminal Disclaimer is filed herewith, clarifying Arkray's status as owner of the entire right, title and interest in the present application. Withdrawal of the double patenting issue is requested. Applicants are not conceding the absence of patentable distinction between the present claims and those of the '307 patent.

As independent claims 28 and 50 include features of claims indicated to be allowable, the prior art issues of the Office Action are moot. Applicants do not concede these issues and reserve the right to pursue them in a continuing application.

Applicants request favorable reconsideration of this application in the form of a Notice of Allowance. The Examiner is invited to contact the undersigned at 612.371.5237 if any issues remain that prevent the allowance of this application.

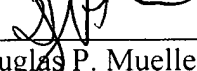


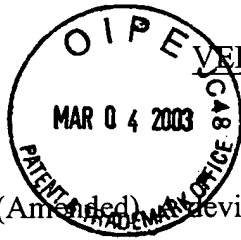
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Date

Respectfully submitted,

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VERSION MARKED TO SHOW CHANGES

7. (Amended) A device as claimed in claim 32, wherein a plurality of analytical sections are formed in the drawing channel, and the stopper is provided in the drawing channel between said suction pressure [generating means] generator and the analytical section closest to the suction pressure[generating means] generator.

28. (Amended) A device for collecting a sample for analysis, comprising:

a main body dimensioned to manipulated by hand, the device having at least one dimension selected from the group consisting of a length of 15-100 mm, a width of 20-50 mm, a width of 5-20 mm and a thickness of 1-5 mm;

a suction pressure generator;

a drawing channel formed in the main body in communication with the suction pressure generator, an opening in the main body being formed at the end of said drawing channel distal with respect to said suction pressure generator; and

an analytical section formed in said drawing channel between the suction generator and the opening, the analytical section communicating directly with the exterior of the device through the drawing channel,

wherein in use a sample is drawn into the main body through the opening by suction pressure developed by said suction pressure generator, and then the sample is transferred by the suction pressure through the drawing channel into the analytical section.